



# CRITICAL NOTICE OF RIGHTS, KILLING AND SUFFERING: MORAL VEGETARIANISM AND APPLIED ETHICS

BY R. G. FREY

JAMES NELSON  
St. John's University

## INTRODUCTION

In the postscript to his 1980 monograph, Interests and Rights: The Case Against Animals, R. G. Frey notes that he has left unconsidered a number of tough questions



## PHILOSOPHY

Jim Barter, *Animals*: 1419  
Copyright-Free Illustrations.  
New York: Dover, 1979

which bear upon the casuistry of our relations with animals--e.g., "the relative value of animal and human life, the relative value and weight of animal and human suffering, the alleged impossibility of valuing animal suffering without valuing animal life" (p. 168). In his final footnote, he promises to deal with these issues in a forthcoming book, which is to be a critical assessment of modern moral vegetarianism. Rights, Killing and Suffering is that book.

The focus of the first book was to demonstrate that animals--indeed, all creatures that lack language--fail to have interests which are deserving of moral consideration. Interests and Rights, in my view, had many virtues: it was written in a clear and engaging style and drew attention to important features of a crucial element of animal liberation and animal rights-type arguments, as well as of much of contemporary moral theory in general, viz., the concept of interests. However, the general critical reaction to the book supports my judgment that it was not successful in establishing its main thesis (in fact, Frey himself retreats from at least one important position of the first book, as I discuss below).[1] The current book is fundamentally an attack on arguments for vegetarianism that hinge on the ability of animals to feel pain--or, as Frey prefers to put it, "unpleasant sensations" (p. 175)--although arguments based on moral rights and on the alleged wrongfulness of killing are closely examined and found wanting as well. The conclusion is that neither considerations of rights nor of killing nor even of suffering provide one with good grounds to become a vegetarian. The book shares in many of the virtues of the earlier one: it is clear, lively, and wide-ranging. It also raises a number of points that people concerned about morality in general, as well as about the moral status of animals, would do well to consider. Does it do any better with respect to its central claim? Finally, I think not. But along the way there is a good deal to repay a reader's attention.

Rights, Killing and Suffering is written in five parts, each generally consisting of a series of short chapters. Part I is introductory matter; it descends from broad reflections on the relation of reason and action, through strata in which moral reasons for acting as a vegetarian are distinguished from non-moral reasons for so acting, to a discussion of the types of moral vegetarian-

ism. All this is written in a style particularly plain, simple, and personal, and provides, I think, the chief warrant for Frey's presenting this book as a "critical introduction . . . completely accessible to non-philosophers, students, and the educated public" (p. ix). Despite the clarity of the prose, some of these constituencies will likely find some later sections tough going; at the same time, bearing in mind the scope of the intended audience may explain features of the text which will strike philosophers as odd. I have in mind here his repeated appeal to the "controversial" nature of some of the claims made by some proponents of animal rights as a basis for rejecting those claims. It seems a bit odd for a philosopher--even if working in an "applied area"--to be shy of controversy; maybe Frey's idea is that discussions that ultimately need to engage the public cannot proceed along lines that are overly contestible. But more of this later.

Frey surveys a number of possible rationales for vegetarianism and concludes that the most promising, considered from the point of view of convincing people to lay aside their omnivorous habits are moral. Arguments based on aesthetics, religion, waste, or "personal style" are just too idiosyncratic; the argument that vegetarianism is healthier than other diets is difficult to assess and not likely to overcome a widespread indifference to the relationship between entrenched personal habits and our health. In any event, such points can be met my moderation in consumption and by applying pressure on the meat industry to reduce toxic levels in their products.

Frey's first part also lets us know that moral vegetarianism interests him only to the extent that it is based on concern for the welfare of animals. One may wonder why. Surely, the argument that he focuses most of his attention on, the argument from suffering, must be as salient concerning Ethiopians as it is respecting veal calves. His answer is that it is concern for animal, rather than for human, welfare which has reanimated moral vegetarianism; it is in the light of the rise of intensive farming that the whole question of what we eat has assumed a new sense of moral urgency. Thus, limiting his focus is certainly reasonable in principle; there are hard issues in plenty just focusing on animal welfare. But it should be kept in mind that the form of argument for moral vegetarianism which he ultimately rejects is not the

strongest possible form of the argument. For example, in assessing the suffering argument he balances off the savings in animal suffering against the costs in human suffering which, given his premises, is fair enough, as far as it goes. But he completely fails to consider the savings in human suffering which could follow from a shift to a less wasteful, vegetarian diet.

While marrying both the animal and the human welfare strains of the argument might bolster the case for moral vegetarianism, it wouldn't fundamentally change the character of the position which Frey attacks. He inveighs against a "conditional" or "negative" vegetarianism--i.e., a position which enjoins meat-eating not because of the intrinsic wrongfulness of consuming flesh but because of vegetarianism's effectiveness as a tactic against factory farming.

Factory farming is wrong, it is alleged, because (a) such methods of rearing and slaughter violate animals' rights or (b) such methods involve the killing of animals, which is wrong, or (c) animals so reared suffer greatly and hence are wrongly treated. Frey consistently tries to drive a wedge between the alleged wrongs to animals involved in failing to respect their rights, killing them, or causing them pain, on the one hand, and consuming them on the other. This is an important feature of his overall case, since the second feature of his attack--discrediting the grounds upon which intensive farming is supposed to be wrong succeeds (on his own account) only against the arguments from rights and killing. Frey admits that it is wrong to cause animals to suffer. But that wrongfulness does not mystically transfer to eating animals--or even to purchasing dead animals for food from those who have caused them to suffer in the course of preparing them for market. Refraining from eating animals is only morally mandated if that is the most effective way of reducing the amount of animal suffering. As Frey sees it, it is not.

Clearly, then, one issue that Frey's book invites us to consider is the relationship between engaging directly in an immoral practice and benefitting from and supporting that practice. This, indeed, is a crucial issue in terms of his attack on moral vegetarianism, since he will allow that factory farming is morally objectionable insofar as it causes avoidable net suffering. But be-

fore considering this part of Frey's position, his criticisms of the arguments from rights and from the wrongfulness of killing deserve some attention.

## RIGHTS

Part III is a sustained critique of moral rights. Rights, for Frey, are distractions empty of theoretically defensible content. Rights appeals may have some rhetorical force, but they contribute nothing to reasoned resolution of moral problems. Rights impart no gain in clarity, precision, or insight to our handling of moral issues. What's more, if there were anything to be gained by talk of rights, an act-utilitarian basis could be given for them which would be much superior to the current non-consequential approaches characteristically used to undergird rights.

Frey explores three reasons why appeals to moral rights are vacuous. The first reason plays on the obscurities of the relationship between the concept of a moral right and the distinction between right and wrong. There surely are ways of wronging someone that don't, on anyone's account, involve violating any of their rights, Frey suggests.

He may well be right about that, and it is an issue that deserves clear scrutiny. Writers from Aristotle to John Ladd have argued that moral notions like justice and the oft-associated idea of rights are relevant only in certain contexts.[2] But just what contexts those are may be more problematic than Frey realizes, to judge from his own example. Husband Heathcliff adamantly refuses to serve wife Cathy fried eggs, despite her ardent desire for them, and further, despite the fact that making eggs in that fashion wouldn't discommodate Heathcliff one bit. Now, Frey would have his readers agree, although Heathcliff may well be doing wrong to Cathy, it would surely be silly to understand that as a matter of violating Cathy's right to fried eggs for breakfast.

I don't know that the matter is quite as plain as Frey puts it. One might wonder just why Heathcliff is so indifferent to the desires of his wife and suspect that the objectionable character of Heathcliff's action comes less from the frustration Cathy may actually feel and more from a certain atti-

tude that Heathcliff's action expresses toward her. It may turn out, after all, to be hard to capture this intuitive sense of what's wrong here with accounts that reduce everything to consequences, especially if those are understood as consequences of which Cathy has somehow to be aware. For, if Heathcliff's recalcitrance here is a way of expressing his contempt for his partner, then it seems plausible to say that he has failed to accord to Cathy the respect due her--and thereby violated a right she has, not to fried eggs, but to her spouse's respect and concern.

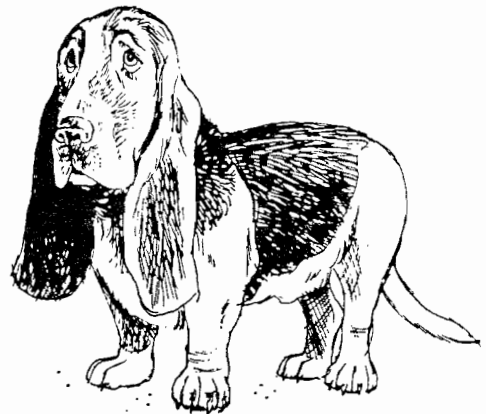
Frey could surely respond that all this is simply begging the question; it doesn't do the first thing toward showing that any of Cathy's "rights" have been violated. But the case was presented for intuitive judgment, and it could well produce intuitions which would ill fit act-utilitarianism. Some sort of non-consequentialist approach might turn out to supply a well-behaved conception of rights which would shed some light on those intuitions about Cathy's disappointing breakfasts.

Frey's second line of attack is that rights are superfluous at best. They are justified, if at all, by the valid moral principles which stand behind them, and if you allow the principles, the rights have no work to do. Some non-consequentialist writers slip back and forth between rights-talk and principle-talk without seeing much of an issue.[3] For them, as for others, the real issue here may not be whether there are "rights" or "principles" but whether the best-defensible moral theory is consequentialist or not. Frey does not directly argue that the priority problem is a serious one; rather, he goes on to claim that the most fundamental problem is the arbitrariness of non-consequentialist accounts of moral norms. Such views leave us to fall back on our own viscera in order to discover fundamental moral principles (or rights) and to adjudicate the conflicts which arise between them. Recent efforts in the literature include systems which have but one fundamental right--e.g., the right to equal concern or respect, as prominently feature in Ronald Dworkin's Taking Rights Seriously. All other rights are derived, and rights conflicts settled with reference to the fundamental right. But even with common ground of this sort, without an additional battery of auxiliary (and possibly contentious) principles,

it seems likely that there would be some difficult priority disputes. But the critical line that Frey takes here is simply to point out that the kinds of rights claims that people actually dispute about--e.g., disagreement about the right to keep and bear arms--seem very remote from the allegedly fundamental right.

However, this does not seem a decisive criticism. Dworkin, I take it, is committed to such rights following (if, in fact, they do) from the right to equal concern and respect; Frey is dubious. The way to resolve this is for Dworkin, or someone of like mind, to take his best shot at working out a derivation and then for Frey and his allies to dig out flaws in it.

If, taking another tack, one postulates several basic moral rights, as do thinkers like H. J. McCloskey and J. L. Mackie, one is left with the problem of resolving conflicts



at a basic level. Such conflicts, as McCloskey admits, may not be resolvable rationally.

If part of the point of secular ethics is to provide the conditions for public discussion of moral matters, then the intuitionism which seems to infect rights-based theories to one extent or another is a serious problem. Some workers in this tradition--like Tom Regan, whose discussion of the theoretical foundation for rights in his The Case for Animal Rights is not mentioned by Frey--develop mechanisms designed to produce "qualified" moral intuitions; the intuitions qualify if they pass a number of tests--which themselves seem largely intuitive. But it seems not unreasonable to believe that such "qualifying intuitions" may be rather broadly shared. And, in any event, the general tactic of checking theoretical judgments against

intuitions seems hard to avoid altogether; even given the difficulties of appeal to intuition, it seems that a moral theory which is totally divorced from common moral beliefs would be of no more use in providing the grounds for shared rational discourse on these matters than those which merely elevated the idiosyncracies of a particular social class to the status of absolute moral principles.

Many rights theories--Mackie's and Regan's among them--dismiss consequentialism because of their impression that such views outrage basic moral intuitions, and then seek out accounts which can capture these intuitions. Such accounts seem crucially to involve such non-consequentialist elements as "principles" and "rights." The acceptability of such views rests on the probity of appeals to intuitions, on the assessment of the prevalence of anti-consequentialist intuitions, and on the correctness of the judgment that consequentialism hasn't the resources to account for such ostensibly contrary intuitions as there are. Frey attacks all these claims.

The strategy here is encompassing, to say the least. Frey appears to be arguing that appeals to intuition are irrelevant and that there are as many significant pro-consequentialist intuitions as anti-consequentialist intuitions. At the same time, he tries to portray act-utilitarianism as a moral view which has the resources to deal with ostensibly anti-consequentialist intuitions. I think his attempt here is unsuccessful.

Rights can be seen as barriers against decisions made solely on consequentialist grounds, in deference to the supposedly counter-intuitive character of these decisions. But how high a barrier is required? The problem of determining the strength of rights is seen by Frey as affording an opening to the act-utilitarian. A carefully chosen scheme of rights may have both a high acceptance utility and a (generally) high observance utility; such a scheme will resist violation on the basis of merely marginal increments in utility. Various measures can be taken to increase the utility of observing the scheme--e.g., legal and informal sanctions for departing from its provisions. Additionally, we can review our concept of a right--or, as Frey puts it, "loosen certain preconceptions about rights"--which will make the act-utilitarian account more palatable.

We can note, for instance, that rights are not all of a piece, neither in point of their moral importance nor in their resistance to utility. We can note further that we think it sometimes wrong to exercise a right. Observations of this kind may support an act-utilitarian theory "amenable to individual rights" using a concept of individual rights "amenable to (act-)utilitarian theory."

This approach seems to miss the point. Surely, the fundamental feature about anti-act-utilitarian intuitions is that they are expressions of the notion that there is something about moral situations that utility does not capture. Successful secret killings of persons are wrong, we think, and not because we can rig things so as to make the consequences bad. In fact, it isn't clear, on the act-utilitarian view, why we ought to try to make something bad, if it isn't bad already. Why not reject the intuition, rather than cater to it? If people think that something is wrong when it isn't or think it is worse than it actually is, should we strive to reeducate them or strive to change the moral reality of the situation? Frey would presumably answer this question in terms of the consequences following on either course of action. It follows from such a view that the proper response to take to actions or practices judged wrong on the basis of anti-act-utilitarian intuitions will itself be a matter of utility, and this result, I should think, will outrage anti-act-utilitarian intuitions as much as anything. If the morality of secret and painless killings, say, in any fundamental part is a matter of whether there are effective techniques for brainwashing those of us who feel that it is wrong, then no non-utilitarian is likely to feel that a proper account of the matter has been reached.

As Frey goes on to admit (in Chapter 10), the system of act-utilitarian rights he offers gives us only "shadow" rights. They do not "trump" utility; rather, they are created on a foundation where the utilities of accepting them and observing them as guides to action resistant to mere marginal increments of utility are carefully factored in and buttressed round with extrinsic "Utility-intensifiers." But as we have seen, the "extrinsic utility-intensifier" move sets up serious conflicts with just the sort of moral intuitions that the strategy was originally designed to accommodate. While in the absence of such intensifiers, the position



seems more shadowy than ever.

Frey spends some time exploring R. M. Hare's "two-level" account of moral thinking, which distinguishes a "critical" and an "intuitive" level in our reflections, locates rights at the intuitive level, and assigns the critical job of determining guides for living to act-utilitarianism. All this in aid of "drawing the sting from the charge that act-utilitarianism conflicts with ordinary morality" (p. 90). But Frey is dubious: Hare's account demands that agents make "global determinations," since more overall utility will be produced by accepting a particular guide, not as a rule of thumb, or "shadow right," but as a "full blooded" right, even in situations where, at least locally, utility would be better served by our making exceptions. Are we better in a position to make global or local determinations of utility? Hare apparently thinks the former; Frey inclines to the latter.

If Frey is right, it seems that he has dealt his own position something of a blow. After all, his own attempt to locate rights within act-utilitarianism is defective, and not only on the basis of the argument of this review; he himself admits that it yields only shadow rights. Hare's attempt is also unsatisfactory. So, despite his claim to the contrary, Frey provides us with no reason to think that a rights approach is compatible with act-utilitarianism. Does this matter? After all, we have been assured that rights contribute nothing to our deliberations about morality.

As I understand it, much of utilitarianism's appeal comes from its promise to afford a context for shared discourse about morality. The appeal to non-consequentialist considerations--whether they be rights or principles--is vitiated by the fact that they rely on intuitions to adjudicate disputes, and it is precisely such intuitions that are likely to be in dispute. But if consequentialistic results outrage widely shared intuitions, it seems unlikely that the added efficiency of that approach will compensate for its revisionist nature. And, what is more, it is not clear that utilitarianism will actually be a better basis for public moral discourse, in part because of disputes about what consequences might actually ensue from what decisions, about how those consequences would affect utility, and so forth. Its place in public discourse is all the more

dubious, I think, because there is no good reason to suppose that resolving moral disputes in terms of explicit calculations of utility will actually maximize the overall utility. It may well be the case that the utilitarian good is best pursued indirectly--i.e., by encouraging *hoi polloi* to act according to non-consequentialist principles, while the *cognoscenti* act according to act-utilitarianism. The very possibility that such "indirect consequentialism" may be the most efficient way of pursuing the good raises disturbing spectres: it may well be the case that morality would mandate blaming what is actually morally good, praising what is morally wrong, or lying about moral principles. If this possibility could become actual, then the virtue of act-utilitarianism--that it undergirds effective and embracing moral discourse--would lapse.

## KILLING

Many defenders of animals may not be at all distressed by Frey's sustained argument against rights; with some notable exceptions (e.g., Joel Feinberg and Tom Regan) many of the most influential rights theorists find that animals have no place in their systems. Utilitarian theories characteristically demand much less for moral considerability; mere sentience will do. For this reason, Frey regards the utilitarian argument that contemporary farming practices cause much more pain and suffering than they do pleasure to be the vegetarian's most plausible line.

But before examining "the pain and suffering argument," Frey considers the attempt to found moral vegetarianism upon an appeal to the wrongness of killing. He is skeptical about any such attempt on what seems primarily rhetorical grounds: it is simply going to be hard to convince people that they ought to become vegetarians on such a basis, given how recondite the issues are. Frey regards the issue of the morality of killing to be one on which we are deeply split along utilitarian/non-utilitarian lines; the considerations that either side adduces to explain just why killing is wrong strike the other as hardly to be credited, especially when someone on either side tries to advance an argument for extending the prohibition against killing to cover animals.

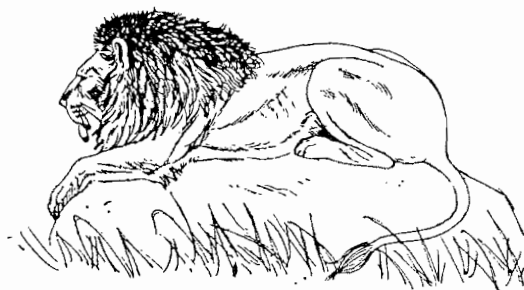
It is, I suppose, quite appropriate for applied philosophy to be particularly con-

cerned about the persuasive force of a given line of argument, as well as about the argument's soundness. I don't, however, think that the situation is just as he paints it; in my view, the account of the wrongness of killing put forward by act-utilitarianism constitutes one of its major theoretical embarrassments.

Perhaps it is from a sense of the vulnerability of act-utilitarianism in this respect that Frey is concerned to demonstrate the weakness of other positions as well. One would think that if Frey chose at this point to discuss the work of others, he would select someone like Regan, or Steve F. Sapontzis, whose views about the wrongness of killing animals are well-known and carefully argued. Instead, he chooses to discuss a writer of less philosophical sophistication, Michael W. Fox, whose position, as Frey shows, suffers from a number of confusions. Fox is taken as attempting a defense of the "reverence for [all] life" position, which isn't hard to make look dubious.

Others of Frey's arguments in this connection are directed more carefully, and at more substantial targets. Using a distinction introduced by James Rachels, between "being alive" and "having a life," Frey argues persuasively that the major food animal, the chicken, cannot reasonably be said to have much of a life; this point is particularly deft in that it brings to mind Tom Regan's "subject of a life" notion and the associated criterion introduced in his The Case for Animal Rights of "one year old mammals" as moral paradigms. Another target that brings Regan to mind is the "marginal cases argument"--i.e., the claim, often appealed to by Regan in his earlier work, that since many animals are on a par with many (damaged) humans in all morally relevant respects, whatever moral status the latter enjoy must be accorded as well to the former. In past work, including Interests and Rights, Frey was inclined to think that morally relevant differences could be found in such areas as potentiality, the possibility of ensoulment, and in physical resemblance. He now (wisely, it seems to me) regards all of these points as inadequate bases for any morally important difference. But although he now accepts the marginal cases argument, he stands it on its head: it is the moral status attributed to damaged humans that needs to be revised downwards. Since animals are acceptable for use in serious scientific

research (as shown by the appeal to benefit) and since there are no morally relevant differences between such animals and some humans (e.g., profoundly mentally retarded infants) such humans are also permissible subjects of such research. Utilitarians would generally appeal to "side effects" to ward off such a result, but Frey isn't impressed--the revulsion that many would feel at this modest proposal is a matter, after all, of psychological contingencies of which education of the proper sort might well rid us. (Recall my objections to Frey's own use of contrived side effects to bolster "act-utilitarian rights.") Perhaps Frey would put more weight on side effects if he tried to defend another



implication of his account here: that marginal humans could be produced for the table as well as for the laboratory.

In another place I have discussed Frey's "inverted espousal" of the marginal cases argument and have argued that his failure to examine the emotions surrounding the birth of a "marginal human"--in particular, the sense of tragedy such an event evokes in us--allows him to miss morally relevant, counter-factual differences between such humans and animals. Frey is himself much affected by these feelings--his conclusion here is one he is uncomfortable with--but he is willing in the end to disown them and mark for elimination via re-education. As I see it, his emotions are responding to a richer set of features than those he consciously considers and finds wanting as moral disanalogies.[4]

All this also serves once again to highlight the discrepancies between act-utilitarianism and common morality. It is perhaps worth bearing in mind in considering Frey's defense of intensive meat production that it is mere contingencies--in principle eliminable--which make it wrong for factory farms to be turning out human meat.

Frey's "killing" section also contains substantial chapters on the doctrine of dou-

ble effect and on problems in the development of a genuine or "deep" ecological ethic. Both of these chapters are significant in the light of the currently vigorous discussions of these topics in the literature, but their relationship to the central theme of the book--the examination and rebuttal of three types of argument for moral vegetarianism--is a bit eccentric.

## SUFFERING

In a transition from his consideration of killing to that of suffering, Frey examines Peter Singer's views on the "replaceability argument." This argument is another of the curious features of act-utilitarianism's account of the wrongness of killing. It points out that since the wrongness of killing many animals cannot be explained in terms of their own preferences to remain alive, nor in terms of side effects, then it must reside solely in the diminution of the sum total of happiness in the world. But in the case of hundreds of millions of food animals, the utility lost by their death is made up for by their replacements--the next huge generation of food animals who will lead lives of roughly equal utility. So, in point of the loss of utility, killing animals for food is not objectionable. It is also important to point out that we are not in a position to substantially increase utility simply by ceasing to kill food animals, while continuing to allow new generations of equal size to enter the world, nor is it likely that we could even maintain current levels of animal-generated utility if we stopped using those animals for food. Were we to do so, it seems unlikely that we could maintain anything like current levels of animal population.

So, the Singer-type vegetarian--him/herself an act-utilitarian--needs to maintain either that vegetarianism will provide compensatory utilities elsewhere or that the lives of intensively farmed animals are an actual utility drain, so that the replacement strategy actually only replaces net misery with net misery.

Singer has made both moves, and Frey counters both. The "greater compensation" strategy takes the particular form of noting that with non-meat diets, the earth could sustain a larger population of persons, presumably richer potential utility generators.

Frey responds that there is more to the generation of utility than mere numbers, that these people need to maintain a certain quality of life for their existence to be of real overall benefit, and that there's no reason why the availability of meat resources shouldn't be one of the criteria determining an optimal population policy.

This argument is very weak; one can only suppose that it has been influenced by the lamentable way vegetables are prepared in Frey's British home. There is no reason why the availability of meat resources should be among the criteria for optimal population--no reasons affecting either health or the quality and variety of available gustatory sensations. If, all other things being equal, a human population of, say,  $2x$  could produce two times the amount of utility as could a population of  $x$ , minus only whatever utility loss accrues solely from the eating of fruits and vegetables rather than meat, it seems incredible that this one loss could overbalance all the other positive features supplied by the larger population. Perhaps the point that Frey ought to make here is that the argument attempts to rescue moral vegetarianism in a way that does not directly regard animal interest. For, if such arguments are to be allowed, the population point as discussed here is academic; the fact is that there are presently immense numbers of people whose lives might well be enhanced--even saved--if we were to alter our wasteful methods of protein production.

Frey's response to the second point--that raising and replacing miserable, intensively farmed animals represents a net drain on utility--is more interesting, particularly in that it sounds what will be a major theme in his response to moral vegetarianism's most compelling consideration, the argument from suffering. He names this theme the "amelioration" argument; in the present context, it consists in the claim that meat-eaters could respond to Singer's challenge not by becoming vegetarians but by working to improve conditions on factory farms such that the animals living there might enjoy a positive utility balance and, hence, would be replaceable without diminishing overall utility. One important consideration here is how much these conditions would have to be improved; Frey suggests that the required improvements may be fairly manageable; not all farm animals, it must be admitted, are treated as badly as veal calves or as battery caged



hens. Another question concerns the level of improvement that would be acceptable; the replaceability argument would seem to support the view that morality is satisfied so long as animals don't suffer an altogether miserable existence. Singer sometimes writes as though he espouses what is here called a "single (painful) experience view," and in other places as though he accepts the miserable life perspective; other cut-off points are, of course, at least imaginable. A third question will be one of tactics: how may we best obtain whatever level of amelioration we determine to be necessary?

Frey takes a more sanguine view than Singer concerning the immensity of farm animal suffering and more consistently espouses the miserable existence view. But the major difference is that Frey advocates a very different tactic than does Singer in responding to animal suffering. His champion is not the moral vegetarian but, rather, the "concerned individual." Concerned individuals are moved by the arguments and descriptions in Singer's writings; they wish to end the painful raising and killing of animals. But they express this conviction not through forswearing the consumption of meat. Rather, they

(a) strive to improve conditions on factory farms, to eradicate some of the devices and practices upon them, and to replace them with more humane ones, (b) divert resources into the development of new and relatively painless methods of breeding, feeding and killing animals, of new pain-preventing and pain-killing drugs, of new types of tranquilizers and sedatives, etc., and (c) seek further appropriate breakthroughs in genetic engineering. (p. 182)

The remainder of Frey's book is largely an attempt to show that the concerned individual's choice of tactic is far sounder than that of the moral vegetarian.

The most fundamental part of Frey's argument in favor of the "concerned individual tactic" is the complex claim that it is by no means evident that the interests supporting factory farming can only be combatted effectively through vegetarianism, Singer to the contrary notwithstanding. Indeed, it isn't clear that the call to vegetarianism

has been or will be at all effective in this regard. Further, the reform position advocated by the concerned individual can progressively reduce animal suffering without exacting the cost that vegetarianism entails.

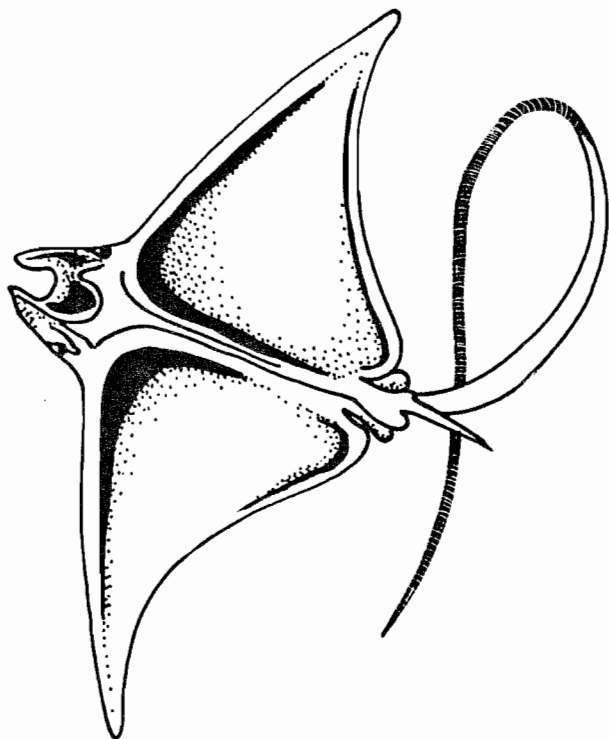
What cost? As Frey portrays it, complete conversion to vegetarianism would have a massive negative impact on the economies of entire nations. The collapse of the meat industry would have terrible repercussions throughout the entire food industry. Great numbers of people would be thrown out of work, and tax revenues would be seriously reduced at just the time when subsidies and social programs to offset lost earnings would be particularly required. Other sources of livelihood--the clothing, pharmaceutical, veterinary, publishing, and advertising industries--would be depressed as well.

Frey, I think it must be admitted, has a point in principle. If act-utilitarians really are going to base moral decisions solely on consequences, then they have to spend more time than they generally do in working out just what the consequences will be. Nonetheless, some scepticism about Frey's dire predictions is perhaps warranted, and, as mentioned earlier, Frey omits to list the benefits to humans accruing from a shift to vegetarianism.

Steve F. Sapontzis, in his forthcoming Morals, Reason, and Animals, has noted that, grave as they are, Frey's points have the character of temporary dislocations; the utility deficit they cause would in time be made up for by the lack of animal pain, a source of positive utility which will continue indefinitely. But I think that this response doesn't quite meet Frey's point. On his account, the concerned individual's strategy would secure the benefit of lessened animal pain without the expense of massive corporate, cultural, or individual dislocations--dislocations that would be likely to occur even if the shift were a gradual one. This is because the goal of the concerned individual includes a thriving meat industry in which animals have lives that are worth living--ideally, pain-free lives.

This consideration is buttressed by the claim that the concerned individual's tactics are more likely to work than the vegetarian's. Frey notes that despite the rise in the number of vegetarians over the past thirty years, the amount of meat produced has

skyrocketed. In the face of this, it will obviously take a massive number of converts to moral vegetarianism to significantly mitigate the suffering of farm animals; the impact of any one person will be extremely small--perhaps nil--and this will certainly reduce the odds that enough people will join the boycott (awareness of this point will



further damage enthusiasm for vegetarianism, and so on).

Are things different for the concerned individual? Surely, there isn't much that one person can do in the face of the power of the agri-business lobbies--a mass movement is needed to have much of an impact. And, given that fact, won't exactly the same pressures work against someone contemplating whether to become a concerned individual as those working against the potential moral vegetarian?

Frey takes considerable pains to rebut the charge that the concerned individual is insincere or inconsistent in continuing to eat meat, but it seems that the deeper issue is why the individual's scheme is likely to be any more effective than its competitor. Perhaps he bases this idea on the hope that the meat industry will see the amelioration route as an acceptable compromise between continuing the current path of optimizing profit by regarding animals simply as "bio-machines" and the virtual elimination of

their industry. But why should they feel any such threat, if Frey is correct about the impotence of the vegetarian strategy?

The deepest issue, however, must be this: why should moral vegetarianism and the tactics of the concerned individual be seen as mutually exclusive choices?

Consider yet a third possibility: the concerned moral vegetarian. Concerned moral vegetarians both refuse to eat meat and at the same time engage in other activities designed to improve the lot of animals. It seems likely that it is this strategy which is of optimal effectiveness, for it would put the meat industry in the position of having to face both ethical arguments for ending the exploitation of animals and an economic boycott that would force the industry to change its behavior. If it is known that the leaders of the movement have behind them a group of people not only willing to write legislators and to attend rallies but also to put a crimp in the profits of agri-business, they are likely to get a much more sympathetic hearing.

Perhaps Frey could concede that a concerned individual can be a vegetarian if he/she wishes; he might simply say that there is nothing obligatory about it. But, given the political effectiveness of vegetarianism, anyone properly sensitive to the very "painful practices" (p. 195) characteristic of intensive farming, but who nevertheless refuses to stop eating meat, has some explaining to do. Vegetarianism is, for him/her, at least a prima facie obligation. Further, given the myriad of morally worthy causes in this world, there may well be many who are concerned about the immoral aspects of current food production but who are too involved working for the women's movement or opposing the arms race, and so forth, to spend the sort of time and energy required by the concerned individual strategy. In such a case, they can aid the amelioration of animal suffering by joining the boycott--a strategy recommended by the fact that it consumes very little extra time or energy--and thus strengthen the hand of the concerned moral vegetarians who spearhead the movement, carrying the fight into legislatures and board rooms. The obverse of this strategy--relinquishing vegetarianism while retaining one's concern--is open to this objection: among the strategies the concerned individual will use is the economic power of boycott. He/she will thus

advocate that others ought to boycott meat and will be inconsistent if he/she urges this upon others yet shirks it him/herself. This is not because of some principle that we must have nothing to do with anything of which we morally disapprove but for the particular reason that he/she must advocate vegetarianism for others and, unless he/she is relevantly different from his/her audience, he/she must take his/her own advice.

Frey might point out here that even if the concerned moral vegetarian strategy is liable to be more effective than either the concerned individual or the moral vegetarian alone, the target of the campaign is not one at which animal liberationists customarily aim. It is not the reform but the elimination of factory farming that is called for. Of course, the question of how much reform is necessary cannot be said to have been answered by Frey's text, and until that is clarified, whether the needed reform is compatible with any kind of factory farming is unclear. But even if it is, the alteration in the lives of farm animals will have to be



substantial. If, after needed reforms, there is still something morally objectionable about the rearing, killing, or consumption of animals, it will take something other than act-utilitarianism to illuminate just what it is.

#### Notes

1. See, for example, reviews by Sumner, (Philosophical Review 92 (1983)), Steinbock, (Philosophical Books 22 (1981)), Clark (Mind 91 (1982)), and VanDeVeer (Canadian Philosophical Review (1981)).

2. See Ladd's "Legalism and Medical Ethics," Journal of Medicine and Philosophy (March, 1979).

3. Regan's The Case for Animal Rights (Berkeley: University of California Press, 1983) is a good example.

4. In my "Tragedy of Marginal Cases," presented to the American Philosophical Association in March, 1985.

## Fawn Song

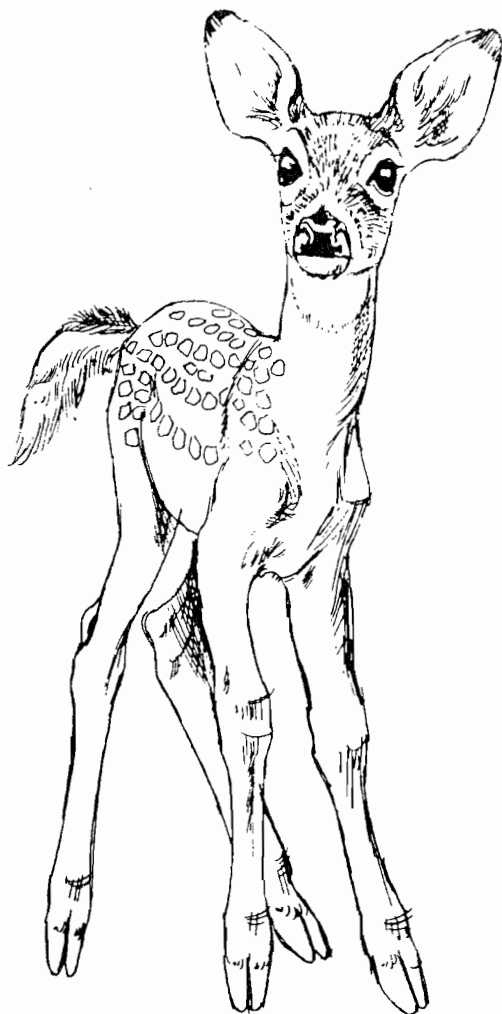
Strong the arm, strong the bow  
The crystal stream . . .  
And so falls the doe.

Strong the arm, strong the bow  
The red-yellow leaves . . .  
Mother, I saw you go.

Strong the arm, strong the bow  
The November frost . . .  
They said you were spared the snow.

Strong the arm, strong the bow  
The crystal stream . . .  
You drank there once long ago.

Now, another autumn  
Another bow . . .



ANN COTTRELL FREE  
Bethesda, MD